

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
ENVIRONMENTAL PROGRAMS DIVISION**

**ENFORCEMENT RESPONSE GUIDELINES AND PROCEDURES**

**ENFORCEMENT RESPONSE PLAN**

The level of enforcement response is guided by the attached Enforcement Response Plan (ERP). Anticipated types of discharge and non-discharge violations and recommended enforcement procedures have been identified in the ERP. The ERP is intended to act as a guide in order to bring violation of Federal, State, and local regulations and laws into consistence compliance by establishing the following.

- Appropriate enforcement response actions for different levels and types of noncompliance
- Defines the range of appropriate enforcement response actions
- Provides a standardized approach for progressing through the various stages of the enforcement process
- Define the personnel responsible for each level of enforcement action

The ERP is designed to allow County of Los Angeles Department of Public Works (Public Works) to select from several alternate initial and follow-up actions. Selection for the enforcement response will be appropriate to the violation and the following criteria will be considered when determining a proper response:

- Magnitude of the violation
- Duration of the violation
- Impact of the violation on the receiving water
- Impact of the violation on Public Works/Flood Control District
- Compliance history
- Good faith to come into compliance
- Cost incurred by Public Works /Flood Control District
- Review the previous success of enforcement action taken

All the Municipal Codes/Ordinances presently in force within the contract cities and unincorporated areas of Los Angeles County provide for administrative fines or civil penalties beyond injunction action by the appropriate court. Upon conviction, fines may be assessed not to exceed \$1,000 or imprisonment not to exceed six months, or both fine and imprisonment for each day and each violation of the appropriate Municipal Codes/Ordinance or any condition or limitation of a permit issued pursuant to said Municipal Codes Ordinance.

Noncompliance in a contract city is referred to the City Attorney as noted above where civil action is appropriate or where the City Attorney acts as city prosecutor. Any potential felony violations or misdemeanor violations where the city has no prosecutor,

and any violations within the unincorporated areas may be referred directly to the District Attorney for appropriate criminal action. Where Public Works is unable to obtain compliance in a contract city in a timely manner, further requests for compliance meetings are made through the City Attorney's office via the contract city Director of Public Works or City Engineer. This procedure is informational and, by agreement, is not for the purpose of gaining contract city approval to act. The City Attorney may schedule office hearings, file a misdemeanor complaint or refer the matter to the Los Angeles County District Attorney, Environmental Laws Section for further investigation and actual filing of a criminal complaint.

## **SUPPLEMENTAL RESPONSE**

All Municipal Codes/Ordinances require administrative hearings before the city council or public hearing and appeal of certain actions including: permit denial, permit revocation and sewer service termination. Such appeal procedures, however, do not preclude timely administrative or criminal action by Public Works, the City Attorney, or the District Attorney.

## **INTERAGENCY COOPERATION**

In addition, should an investigation or inspection by this office reveal a violation of Federal, State, and local regulations or laws, Public Works may at any time refer a matter directly to the County Health Officer, Los Angeles County District Attorney, U.S. Attorney, State Attorney General, and City of Los Angeles City Attorney Offices. Public Works is a member of the Los Angeles County District Attorney, City of Los Angeles City Attorney, and United States Environmental Protection Agency, Environmental Crimes Strike Force and may also initiate criminal action through these groups on any violation.

## **TIME FRAME FOR ENFORCEMENT RESPONSES**

The following guidelines are established for timely enforcement response:

- Compliance tracking will commence immediately on the due date established with appropriate action taken within the time frames in this guideline.
- Review of compliance reports for effluent violations and timely submittal shall take place within five working days of receipt.
- Initial enforcement response involving contact with the IU and request for information on corrective action will occur within 15 days of violation detection.
- Notice of Violation (NOV) for failure to submit a scheduled IU report shall be mailed within 15 days of the scheduled due date.
- NOV for observed violations will be issued on the spot or as soon as possible, however, in no case later than five working days from the date of discovery.
- IU in consistent violation will be identified and considered for increased self-monitoring 30 days from the second quarter report showing significant noncompliance.

- Violations which threaten health, property, or the environment and which are considered emergencies will receive immediate attention such as issuance of an order to cease and desist or halting discharge including abatement of the discharge.
- Any combination of violations occurring during established review periods and which meet the criteria of significant noncompliance as established in 40 CFR 403.8(f)(2)(vii), will be addressed by requesting an office hearing and an enforceable order through the City Attorney's or Los Angeles County District Attorney's Offices within 30 working days of the identification of IU as being in significant noncompliance with applicable pretreatment requirements.
- Enforcement of all appropriate Municipal Codes, Ordinances, Regulations, Laws, and Codes.

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ENFORCEMENT RESPONSE PLAN**

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**UNAUTHORIZED DISCHARGE (No Permit)**

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/Environment	Phone call; NOV with application form	I, PE
	IU unaware of requirement; harm to POTW	- AO - Civil action	PE S
	Failure to apply continue after notice by the POTW	- Civil action - Criminal action - Terminate service	S S S
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of the due date	Phone call; NOV	PE

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**DISCHARGE LIMIT VIOLATION**

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1. Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call, NOV	I, PE
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PE
	Isolated, harm to POTW or environment	- Show cause order - Civil action	S S
	Recurring, no harm to POTW/ environment	AO	PE
	Recurring, significant (harm)	- AO - Show cause order - Civil action - Terminate service	PE PE, S S S

## MONITORING AND REPORTING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PE
	Report is improperly signed or certified after notice by POTW	- AO - Show cause order	PE PE, S
	Isolated, not significant (e.g., 5 days late)	Phone call; NOV	I, PE
	Significant (e.g., report 30 days or more late)	- AO - Show cause order	PE
	Reports are always late or no reports at all	- AO - Show cause order - Criminal action	PE PE, S S
	Failure to report spill or changed discharge (no harm)	NOV	I, PE
	Failure to report spill or changed discharge (results in harm)	- AO - Civil action - Criminal action	PE S S
	Repeated failure to report spills	- Show cause order - Terminate service - Criminal action	PE, S S
2. Failure to monitor	Falsification	- Criminal investigation - Terminate service	S S
	Failure to monitor all pollutants as required by permit	- NOV or AO	PE
	Recurring failure to monitor	- Criminal action	S

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**MONITORING AND REPORTING VIOLATIONS (Continued)**


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<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCEMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
3. Improper sampling	Evidence of intent	- Criminal action - Terminate service	S S
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	PE
	Delay of 30 days or more	AO to install	PE
	Recurring, violation of AO	- Civil action - Criminal action - Terminate service	PE S S
5. Compliance Scheduled	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO	PE
	Missed milestone by less than 30 days, or will affect final milestone (good cause for delay)	AO	PE
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Show cause order - Civil action - Terminate service - Criminal action	PE, S S S S
	Recurring violation or violation of schedule in AO	- Civil Action - Criminal action - Terminate service	S S S

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**OTHER PERMIT VIOLATIONS**

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Wastereams are diluted in lieu of treatment	Initial violation	AO	PE
	Recurring	- Show cause order - Terminate service - Criminal action	PE, S S S
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	I, PE
	Does result in harm	- AO - Civil action - Criminal action	PE S S
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

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**VIOLATIONS DETECTED DURING SITE VISITS AND INVESTIGATIONS**

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Entry Denial	Entry denied or consent withdrawn Copies or records denied	Obtain warrant and return to IU	I
2. Illegal Discharge	No harm to POTW or environment	AO	PE
	Discharges causes harm or evidence or intent/negligence	- Civil action - Criminal investigation	S S
	Recurring, violation of AO	- Terminate service	S

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**VIOLATIONS DETECTED DURING SITE VISITS (continued)**

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<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCEMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
3. Improper Sampling	Unintentional sampling at incorrect location	NOV	I, PE
	Unintentionally using incorrect sample type	NOV	I, PE
	Unintentionally using incorrect sample collection techniques	NOV	I, PE
4. Inadequate recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PE
	Recurring	AO Criminal action	PE S
5. Failure to report additional monitoring	Inspection finds additional files	NOV Criminal action	I, PE S
6. Illicit Discharge	Discharge causes harm, evidence of accidental or intent/negligence	NOV Criminal action Criminal investigation	I, S S S



## DESCRIPTION OF TERMS

AO	– Administrative Order to Comply
Civil Action	– Civil litigation against the industrial user seeking injunctive relief
Criminal Action	– Pursuing punitive measures against an individual and/or organization through a court of law
I	– Inspector
IU	– Industrial User
Meeting	– Informal compliance meeting with the IU to resolve recurring noncompliance
NOV	– Notice of Violation and order to comply
PE	– Supervision Pretreatment Engineer
S	– Unit Chief
SV	– Significant Violation
Show Cause	– Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

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